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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991). The present report is submitted pursuant to paragraph 8 of Security Council resolution 715 (1991).

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ANNEX

Status of the implementation of the plan for the ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991)

INTRODUCTION

1. The present report is the fourth submitted pursuant to paragraph 8 of Security Council resolution 715 (1991), adopted on 10 October 1991, which requests the Secretary-General to submit a report to the Council every six months on the implementation of the Special Commission's plan for ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991). It updates the information contained in the first three reports (S/23801, S/24661 and S/25620).

2. In the first three months of the period under review, developments were not generally positive. Iraq remained adamant in its refusal to acknowledge, during the period covered by the report, its obligations under resolution 715 (1991) and the plans approved thereunder. However, in the last three months, there has been a positive change of attitude on the part of Iraq. The report, in order to be comprehensive, has to cover the entire period and should be read in that light.

3. The inability of the Commission to make any progress during the first three months in the full-scale initiation of ongoing monitoring and verification led to a visit of the Executive Chairman to Baghdad in July 1993. At the conclusion of that visit, the first sign of a change in Iraq's attitude was reflected in a position paper in which Iraq expressed its readiness "to comply with the provisions of the plans as contained in resolution 715 (1991)" (S/26127). Because of this development, the Executive Chairman invited an Iraqi delegation to New York at the beginning of September for high-level technical talks. Based on the results of these talks (S/26451), the Executive Chairman paid a further visit to Baghdad at the beginning of October (S/26571). Considerable progress emerged in the course of these various discussions:

(a) The Commission explained the methods to be used in implementation of the plan for ongoing monitoring which, in large part, Iraq now appears to accept. To the extent that Iraq has voiced concerns, it has indicated to the Commission that it will press, at an early date, for implementation through increasing use of Iraqi facilities, particularly in relation to aerial assets, as a substitute for the independent means now employed and for a realignment of Iraq's obligations in the direction of multilateral conventions in force in similar fields;

(b) Furthermore, Iraq has provided updated information in relation to ongoing monitoring and verification activities and information on sites which should be subject to baseline inspections - declarations that have been welcomed by the Commission. However, these have not been provided under resolution 715 (1991) and hence do not have full legal value and credibility. To be fully effective, baseline inspections and ongoing monitoring and verification

activities have to be carried out under the acknowledged regime established by resolution 715 (1991).

4. For the above developments to be of real significance, Iraq must provide unconditional acknowledgement of its obligations under resolution 715 (1991) and the plans approved thereby. Iraq continues to refuse to do so. However, it has indicated that it would do so if it were convinced that that acknowledgement would result in a parallel initiation of full-scale ongoing monitoring and verification and of a process for the lifting of the oil embargo under the terms of paragraph 22 of resolution 687 (1991). The Executive Chairman has repeatedly emphasized to the Iraqi authorities at the highest level that Iraq's acknowledgement must be unconditional. It is unacceptable that Iraq could impose conditions on its preparedness to comply with a decision adopted unanimously by the Security Council under Chapter VII of the Charter.

I. DEVELOPMENTS DURING THE PERIOD 10 APRIL 1993-10 OCTOBER 1993

A. Provision of information

1. Full, final and complete declarations

5. An essential condition for the proper planning of ongoing monitoring and verification is for the Commission to be provided by Iraq with all the information necessary to constitute full, final and complete disclosure of Iraq's past programmes in accordance with Iraq's obligations under resolutions 687 (1991) and 707 (1991). As was noted in annex I to the report on the high-level technical talks, held in New York from 31 August to 10 September 1993 between the Commission and the International Atomic Energy Agency (IAEA) on the one hand and an Iraqi delegation led by General Amer Rashid on the other (S/26451), the two sides identified critical areas, essentially relating to Iraq's past programmes, where further information was required from the Iraqi side if the Commission and IAEA were to be in possession of all the necessary information. It was agreed that those issues not resolved during the New York round of talks would be taken up subsequently in Baghdad. Indeed, during the recent visit of the Executive Chairman of the Commission to Baghdad from 1 to 8 October 1993, he received information from the Iraqi side in response to the Commission's questions. A full report of this visit is to be found in document S/26571. As noted in that report, the newly provided information must be verified, assessed and confirmed by Commission staff in New York before the Commission could state that Iraq has discharged its obligation, in compliance with paragraphs 8 and 9 (a) of Security Council resolution 687 (1991), to provide the information necessary to constitute full, final and complete disclosures of its past proscribed programmes. During this process, the Commission must draw upon all available information inside and outside the Commission. The Commission is undertaking its assessment as fast as is consistent with the comprehensive and thorough review which the Council would require for any determinations on its part in relation to section C of resolution 687 (1991).

2. Declarations under resolution 715 (1991) and the plans

6. Under the Commission's ongoing monitoring and verification plan (S/22871/Rev.1), Iraq is obliged to provide certain declarations. The first were due by 10 November 1991 concerning (a) initial information on the dual-purpose activities, facilities and items specified in the plan and its annexes; and (b) a report on the legislative and administrative measures taken to implement resolutions 687 (1991) and 707 (1991), other relevant Security Council resolutions and the plan. Iraq is further obliged to update the information each 15 January and 15 July and to report further when requested to do so by the Commission. This is in addition to the information to be provided under resolutions 687 (1991) and 707 (1991) and referred to in paragraph 5 above.

7. In relation to the declarations referred to in paragraph 6 above, Iraq handed to the Commission, during the Executive Chairman's visit to Baghdad in October 1993, a set of declarations which updated the two sets of information provided by Iraq in July 1992 and February 1993 in relation to future ongoing monitoring and verification. It also handed over declarations concerning sites that should be subject to baseline inspections under the monitoring regime. The Commission's experts, who had accompanied the Chairman to Baghdad, discussed these declarations with the Iraqi side and how they could be improved to bring them in line with the requirements of the plan. The Commission's experts also undertook, upon their return to New York, to create a standardized reporting format to facilitate Iraq's reporting and the Commission's handling of the data provided. However, the Commission informed the Iraqi side that, as these declarations had not been made formally under resolution 715 (1991), they could not be accepted by the Commission as meeting Iraq's reporting obligations under the Commission's monitoring plan. Once Iraq acknowledged its obligations under resolution 715 (1991) and the plans approved thereunder, Iraq would need to submit the required declarations formally under and in accordance with the resolution.

8. On the declarations referred to in paragraph 3 (b) above, the Commission has still received nothing from Iraq.

B. Operational and political developments

9. The Commission has stated on several occasions that full-scale initiation of ongoing monitoring and verification cannot proceed without the Council first receiving Iraq's formal acknowledgement of its obligations under resolution 715 (1991). The Council has endorsed this position. In the period under review, as a result of Iraq's continued failure to provide unconditional acknowledgement of its obligations under resolution 715 (1991) and the plans for ongoing monitoring and verification approved thereunder, the Commission has continued to be unable to begin full-scale practical implementation of the plan covering its areas of competence (S/22871/Rev.1).

10. However, the Commission has continued its interim monitoring of certain facilities, along the lines reported to the Council in document S/25620. As noted in that report, the existence of such activity does not diminish the requirement to institute full-scale monitoring as envisaged in the plans and

hence does not diminish the importance of Iraq acknowledging unconditionally its obligations under them.

11. The second interim monitoring team conducted its activities over the period 27 March to 17 May 1993. Activities centred around two facilities: the Al Rasheed Factory, comprising the three plants, and the Al Qa'qaa' Establishment. In addition, the team visited the Ibn Al Haytham Research Centre and other sites related to missile research and development. The activities monitored included details of Iraq's missile designs; Iraq's knowledge of solid propellant technology; Iraq's general capabilities in missile production, both of complete systems and of components; Iraq's ability to increase the range of existing systems; the current status of Iraq's production facilities; and its plans for missile research, development, testing and production.

12. A third interim monitoring team conducted activities in Iraq over the period 5 to 28 June 1993. The focus of this team was on Iraq's critical industrial manufacturing capabilities, in particular precision machine tools, which have the potential for use in the production of components for banned missiles, especially gyroscope devices and components for liquid fuel rocket engines. The inspection covered 11 sites and continued the monitoring of the Ibn Al-Haytham Missile Research Centre and the Al-Rasheed Factory.

13. On the basis of the experience of the interim monitoring teams and in the absence of Iraq's acknowledgement of Security Council resolution 715 (1991) and the plan, the Commission decided to install remote-controlled monitoring cameras at two rocket-test sites. The purpose would be to verify that no prohibited activities were undertaken at the sites. Iraq was informed of these intentions by letter on 28 May 1993. A small group of experts was despatched to Iraq, arriving on 4 June 1993, to install the cameras and to explain the modalities for their operation to the Iraqi side. However, by letter, dated 8 June 1993 from the Iraqi Under-Secretary for Foreign Affairs to the Deputy Executive Chairman, Iraq stated that:

> "the request [to install monitoring cameras]... does not fall within the framework of the provisions of the above-mentioned resolution [687 (1991)] but rather comes within the framework of matters and questions that are still being discussed between the Iraqi authorities on the one hand and the Special Commission on the other."

14. The letter suggested that these matters and questions, and by implication all matters related to the implementation of resolution 715 (1991) and the plans approved thereunder, be subject to joint review and that the installation of the cameras should "be postponed until the desired review is conducted". It was further indicated that all monitoring activities also be so delayed. This was in direct contradiction with Iraq's undertaking, in the status arrangements between the United Nations and Iraq, that allow specifically the installation of equipment or the construction of facilities for "observation, inspection, testing or monitoring activity."

15. Iraq continued to maintain its opposition to the installation of the cameras (see S/25960, S/25970, and S/26127 for details). Faced with this position, the Commission proposed to seal the essential equipment at the test sites to ensure that it would not be used without advance notice to the

Commission. However, the experts sent to Iraq to fix the seals were denied access to do so.

16. Iraq's blocking of the installation of the monitoring cameras at the two rocket-motor test stands and the sealing of essential equipment at the stands resulted in a visit by the Executive Chairman of the Commission to Baghdad in July 1993. The results of this mission were reported to the Council in document S/26127. Essentially Iraq agreed to the installation of the cameras but not to their immediate activation. Iraq further stated its readiness "to comply with the provisions of the plans of ongoing monitoring and verification as contained in resolution 715 (1991)" and agreed that this matter should be the principal topic for discussion at high-level technical talks to be held in New York in September 1993 (S/26451). During those talks the Commission was able to explain to Iraq in detail how it intended to implement the plan for ongoing monitoring and verification. On the basis of these explanations, Iraq expressed its acceptance, for the most part, of the modalities for implementation.

17. While it was agreed during the high-level technical talks to continue a dialogue between the Commission, IAEA and Iraq, the talks ended without Iraqi acquiescence to the activation of the cameras, despite the Commission's warning that any further dialogue would be dependent on their activation. On 23 September 1993, Iraq agreed to the activation of the cameras and they were so activated on 25 September 1993. Consequently, the Executive Chairman visited Baghdad from 2 to 8 October 1993 to continue the dialogue. During this visit, further considerable progress was made, as reported in document S/26571. However, Iraq continued not to acknowledge its obligations under resolution 715 (1991) and the plans approved thereunder.

C. Iraqi behaviour

18. During the period May to September 1993, the Commission experienced a continuing pattern of obstruction and intimidation from the Iraqi side. Iraq tried to limit inspection activities, discussions and photography to its interpretation of what was "687-related", i.e. to exclude what it considered to be monitoring activities under resolution 715 (1991) or to exclude sites it considered "civilian". There were almost weekly problems over the issue of the taking of photography by the aerial inspection team. In addition, there were sporadic incidents of attacks on the Commission's property and that of inspectors. While this sometimes delayed inspection activities, the Commission at all times insisted on the full respect of its rights.

19. The situation in this regard has greatly improved following the return to Iraq, in mid-September 1993, of the Iraqi delegation to the high-level technical talks in New York. Inspection activities since then, including the activation and operation of the remote-controlled monitoring cameras, have proceeded smoothly without obstruction or delay and there have been no security-related incidents reported.

II. CONCLUSIONS

20. While Iraq has been moving recently in a positive direction, the conditions for the initiation in full of the Special Commission's plan for ongoing monitoring and verification have still not been met. Iraq has yet to provide its unconditional acknowledgement of its obligations under resolution 715 (1991) and the plans approved thereunder. However, much time has been spent in discussions between the Commission and Iraq on this subject and there are signs that Iraq might be moving towards formal acknowledgement.

21. In the meantime, the Commission continues to revisit or survey from the air sites identified as having been used for activities proscribed by section C of resolution 687 (1991) in order to ensure that those activities have not been resumed. This is a monitoring function. The Commission has identified many civilian sites that will require future monitoring and has initiated planning for conducting baseline inspections at these sites. It continues to seek to supplement the information provided by Iraq through vigorous questioning and inspection and has received from Iraq certain additional declarations in this regard, so that the initiation of full-scale monitoring will not be unduly delayed once Iraq makes the necessary political commitment to full compliance. Key elements of this process have been the interim monitoring concept and the installation and operation of monitoring cameras at the two rocket-motor test stands at the Yawm al Azim and Al Rafah sites. They have proven a most reliable and efficient method for monitoring the sites in question. Work has started on the design of an import- and export-monitoring regime, as required under paragraph 7 of Security Council resolution 715 (1991), and will intensify in the next several months.

22. Nevertheless, the Commission remains constrained from going beyond preparatory and interim work into full-scale monitoring and verification because of Iraq's failure to acknowledge the resolution on which ongoing monitoring and verification must be based. Unless these issues are addressed satisfactorily, the Commission will not be in a position to implement effective monitoring and verification of dual-capability facilities on the territory of Iraq, in compliance with the requirements of the plan, with clearly defined rights and with assurances of continuity. Nor could it monitor imports effectively. Hence, it would not be in a position to ensure that Iraq does not reactivate its proscribed programmes. Iraq is now fully aware of the position of the Security Council and of the Commission on this matter, which gives rise to some optimism that Iraq realizes that its acknowledgement of its obligations under resolution 715 (1991) must be unconditional and forthcoming shortly. The Executive Chairman has stressed that this acknowledgement, properly followed by action by Iraq to comply with the plan for ongoing and verification, is an important prerequisite to any favourable assessment by the Commission of Iraq's carrying out its obligations under section C of resolution 687 (1991) and resolutions 707 (1991) and 715 (1991). The undertaking will constitute a significant step towards the goal set out in paragraph 14 of resolution 687 (1991) of establishing in the Middle East a zone free from weapons of mass destruction.